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UNCLAS SECTION 01 OF 02 KATHMANDU 002266

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SUBJECT: UNHCR UPDATE ON TIBETANS IN NEPAL

Summary

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1. (SBU) On October 19, UNHCR informed us that they were seeking custody of two Tibetans currently being held by His Majesty's Government of Nepal (HMGN). UNHCR was also monitoring the cases of five other Tibetan individuals in HMGN custody and could become involved in those cases later. End Summary.

Case One: (UNHCR working to release)

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2. (SBU) The Royal Nepalese Army arrested Mr. Norbu Tsering on or about September 22 in Syabru Besi, Rasuwa District. UNHCR had processed Tsering in 1999 as a new arrival and assisted his transit to India. He had lived in India since that time and was on his way to Tibet to visit family when he was arrested by security forces. He was transferred to the Department of Immigration (DOI) in Kathmandu and remains in detention on immigration violations. Normally, this would not be a case for the UNHCR, as the individual was not acting as a refugee seeking asylum, but rather was returning to the place where he claimed he was persecuted. UNHCR became involved only after determining that Tsering requested UNHCR assistance to go back to India as he feared persecution by Chinese authorities if he were forced to return to China by HMGN. As a result, UNHCR requested Tsering's release into UNHCR custody in order for him to be returned to India. The Tibetan Refugee Reception Center (TRRC) staff told UNHCR that they had learned that DOI would release the individual to UNHCR. However, to date, Tsering has not been released. When asked, DOI informed UNHCR that it had forwarded the case to the Home Ministry for consideration of release. UNHCR was following up on the case.

Case Two: (UNHCR working to release)

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3. (SBU) The police arrested Mr. Sonam Tsering, on October 6 in Soyambu, Kathmandu. He was fined approximately 27,000 rupees for immigration violations. In lieu of paying his fine, he can work off the fine by staying in detention at the rate of 25 rupees a day, or more than three years. He is being held in Dilli Bazaar jail. As he is a new arrival, UNHCR submitted an intervention letter to DOI requesting his release for assistance in transit to India. According to usual practice, DOI would, upon payment of the outstanding fine, release Tsering to the TRRC, which would assist his transit to India. The usual practice is for TRRC to arrange for the fine to be paid, usually with donations from the local Tibetan community. As an alternative, UNHCR could request waiver of visa fines, but each individual case must go through several Ministries and finally be confirmed by the Cabinet -- a process which takes many months. Therefore, the Tibetan community has usually paid the fines, rather than keep the individual detained for many months. UNHCR is following up on the case.

Case Three: (UNHCR monitoring only)

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4. (SBU) The police arrested Mr. Lobsang Jangmang, age 16 or 19 (recorded age varies in records) on September 21 for disorderly conduct, along with two Nepali young men. He was fined 900 rupees, and is currently held in the Central Kathmandu Jail. He claimed he was a new arrival; however, he speaks Nepali. UNHCR had not intervened to date as this was a criminal and not transit protection matter.

Case Four: (UNHCR monitoring only)

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5. (SBU) UNHCR reported that District Police in Rasuwa were holding four Tibetans apprehended en route to Tibet from India. UNHCR said it seemed likely that they would be transferred to DOI in Kathmandu, as in para 2, above. UNHCR

would become involved only if the individuals requested the assistance of UNHCR for transit back to India out of fear of forced return to China by the Government of Nepal. UNHCR would then request release into UNHCR custody for assistance in transit to India.

Comment

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16. (SBU) UNHCR did not ask for Embassy assistance at this time, as they hoped any deviation from normal practice was due to the recent holiday and not a new government approach to refugees. However, if the individuals were not released soon, UNHCR might ask for USG assistance to urge the government to release the Tibetans to UNHCR custody.  
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